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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,988	01/18/2006	Yukuo Katayama	126599	7174
25944 7590 03/23/2010 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
PO, MING CHEUNG				
ART UNIT		PAPER NUMBER		
1797				
NOTIFICATION DATE		DELIVERY MODE		
03/23/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/564,988

**Applicant(s)**

KATAYAMA, YUKUO

**Examiner**

MING CHEUNG PO

**Art Unit**

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/26/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is the response to amendment filed on 10/26/2009.
2. Claims 1-15 are pending and have been fully considered.
3. The Declaration under 37 CFR 1.132 filed 12/18/2009 is insufficient to overcome the rejection of claims 1-7 based upon KAMEI (U.S. 4,702,745), claims 8-9 based upon KAMEI (U.S. 4,702,745) in view of VERSCHUUR (U.S. 4,216,082) under 103(a), and claims 13-15 based upon KAMEI (U.S. 4,702,745) and GREGORY (U.S. 2,824,790) as set forth in the last Office action because: the facts presented are not germane to the rejection in hand. The Declaration appears to be a narrative of how the claimed invention was conceptualized and a general conclusion that KAMEI cannot cause the shearing forces. Although an affidavit or declaration which states only conclusions may have some probative value, such an affidavit or declaration may have little weight when considered in light of all the evidence of record in the application. *In re Brandstadter*, 484 F.2d 1395, 179 USPQ 286 (CCPA 1973).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 7 and 10-12 are rejected under 35 U.S.C. 103(a) as being obvious over KAMEI (U.S. 4,702,745).

KAMEI teaches a process for dewatering water-containing coal, in lines 15 – 31 of column 3 that comprises heating a high moisture porous structure of the solid in a fluid medium having an elevated temperature and a high pressure, thereby reducing the moisture of the solid, starting to compress the porous structure of the solid by mechanical means, while maintaining the temperature and the pressure of the surrounding fluid medium the same as in the final stage of the step (1) and (3) lowering the pressure of the surrounding fluid medium while maintaining the mechanical compression of the solid.

KAMEI teaches in lines 38 – 41 of column 3 that the temperature of the heating medium is more than 180°C and preferably between 230 to 350°C (**temperature of 100°C to 350°C**).

KAMEI also teaches in lines 29 – 36 of column 8 that dewatering in the heating step is carried out so as to remove the moisture in a liquid state by suppressing evaporation of the moisture by keeping the pressure of the surrounding fluid medium not less than saturation pressure (**under a pressure not less than a saturated steam pressure**).

KAMEI teaches in lines 5 – 7 of column 10, that a load of 100 kg/cm<sup>2</sup> is exerted. 100kg/cm<sup>2</sup> which translates to 9.807 MPa (**0.01 MPa to 20 MPa**) using a piston.

KAMEI does not seem to explicitly state that a shearing force is applied.

However, KAMEI teaches in lines 7 -12 of column 6 that a screw, extruder type

compressing-depressurizing unit is used to exert the mechanical force. A screw, extruder type inherently provides a compression force as well as a shearing force, based on its design (**shearing force**).

It would be obvious to one of ordinary skill in the art to use a screw, extruder type compressing-depressurizing unit may be used as to generate a shear force of 9.807 MPA since KAMEI teaches in lines 44-46 of column 4 that FIG 3 is an embodiment of compressing-depressurizing units.

In lines 13 – 21 of column 6, KAMEI teaches that the remaining moisture in the dewatered coal in the compressing-depressurizing unit is evaporated. In lines 54 – 68 of column 4 and lines 1 – 15 of column 5, KAMEI explains that the mechanical force is applied to the coal, thereby starting to compress the solid structure of the brown coal while maintaining the elevated temperature and the high pressure of the surrounding fluid medium. In lines 49 – 56, KAMEI further states that in the initial stage of compression, liquid water is expelled from the coal by the mechanical compression (**dewatering during application of shearing force**).

Regarding claim 2, the screw extruder type is housed in a compressing chamber in lines 7 – 11 of column 6. Fluid pressure sealings are taught in lines 21 - 24 of column 6 as made by material seal through the tapered moulds (**sealed vessel**).

Regarding claim 3, the temperature was taught to be preferably 230 to 350°C (**150°C to 300°C**).

Regarding claim 4 and 5, the pressure was taught to be 9.807 MPa (**not more than the saturated steam pressure of the temperature for the heating +0.5 MPa**).

Regarding claim 6, KAMEI teaches in lines 4 – 5 of column 10 that 5 minutes after the inside temperature of the autoclave reached 258°C, the mechanical force was applied and the depressurizing valve was opened to discharge the steam **(period of from three minutes to five hours)**.

Regarding claim 7, an example is given in table 1 from in column 9 that details the value of the Australian brown coal used has a moisture value of 65.5%. **(25% to 85% of water)**

Regarding claim 10 – 12, KAMEI gives an example in Table 2 that details that the present invention leaves the coal with 3.9% wt moisture **(coal containing not more than 15 weight% of water)** According to lines 23 – 27 of page 10 of the present application, water that is preferably removed substantially completely is 0 to 15 weight% **(substantially does not contain water)**.

6. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over KAMEI (U.S. 4,702,745) in view of VERSCHUUR (U.S. 4,216,082).

The above discussion of KAMEI is incorporated herein by reference.

KAMEI teaches a process for dewatering brown coal that comprises removing the water that is present in brown coal in a sealed vessel.

KAMEI does not appear to disclose adjusting the water content in the final mixture to 30 weight% to 50 weight%.

However, VERSCHUUR teaches that aqueous coal slurries are obtained for instance in brown coal mines and in the process of dewatering of brown coal in lines 6 – 11 of column 1. VERSCHUUR also teaches that it is possible to have a slurry fraction

with a water content of 45 weight percent which is the minimum water content for handling slurries with normal pumps.

It would be obvious to one of ordinary skill in the art at the time the invention was made to add water to coal that KAMEI teaches to a water content of 30 weight% to 50 weight%.

The motivation to do so can be found in lines 12 – 19 of column 1 of VERSCHUUR which teaches that slurries with a high water content % are stable enough to be transported in pipelines.

Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.

7. Claims 13 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over KAMEI (U.S. 4,702,745) and GREGORY (U.S. 2,824,790).

The above discussion of KAMEI is incorporated herein by reference.

KAMEI teaches a process for dewatering brown coal that comprises removing the water that is present in brown coal in a sealed vessel.

KAMEI does not appear to disclose a method for preparing bitumen -containing coal comprising addition 1 weight% to 25 weight% of bitumen, calculated on the basis of dry coal to the dewatered coal.

However, GREGORY teaches a coal briquetting process where the coal is heated to its fusing temperature after admixture with a fluxing agent to create briquettes. The fluxing agent includes coal tar (**coal tar**) and bitumen and is preferably less than 8% but preferably 5% by weight on dry basis (**1 weight % to 25 weight % of bitumen**

**and 5 weight% to 20 weight%).**

At the time of the invention, it would have been obvious to admix the coal with the coal tar that GREGORY teaches.

The motivation to do so can be found in lines 15 – 19 of column 2 of GREGORY. GREGORY teaches that a fluxing agent causes coal to fuse at a temperature below that which it would normally fuse and enlarges the fusing range of temperatures.

Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill at the time the invention was made.

#### ***Response to Arguments***

8. Applicant's arguments filed 10/26/2009 have been fully considered but they are not persuasive.

Applicant argues that KAMEI teaches a screw that only exerts a compression force on coal that is delivered to the screw and that the coal is already hot and dewatered. Examiner disagrees. KAMEI teaches an example of using a piston to generate a force to be applied to hot coal to effect dewatering. KAMEI further teaches other different functional units including a screw extruder. It would be obvious to one of ordinary skill in the art to use the screw extruder in place of the piston to generate the force. A screw extruder, by design, functions by producing both compression and shearing forces. The blades of the screw extruder as the extruder rotates produce the shearing force. Applicant is encouraged to provide evidence that shows that the extruder that KAMEI teaches does not produce a shearing force of 0.01 – 20 MPa.



***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MING CHEUNG PO whose telephone number is (571)270-5552. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571)272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ming Cheung Po/  
Patent Examiner

/Ellen M McAvoy/  
Primary Examiner, Art Unit 1797